

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

United States of America,

Plaintiff,

v.

**Case No. 3:05-cr-135
Judge Thomas M. Rose**

Steve Jefferson,

Defendant.

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS, (DOC. 47), SUPPLEMENTAL REPORT AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE MERZ (DOC. 50), SECOND SUPPLEMENTAL REPORT AND RECOMMENDATIONS, (DOC. 52), OVERRULING PETITIONER'S OBJECTIONS TO MAGISTRATE'S REPORT AND RECOMMENDATIONS, (DOCS. 48, 51, 53), DENYING MOTION TO VACATE UNDER 28 U.S.C. 2255, (DOC. 46), AND TERMINATING THE INSTANT CASE.

On June 22, 2016, Defendant Steve Jefferson filed Motion to Vacate under 28 U.S.C. § 2255. (Doc. 46). On June 28, 2016, Magistrate Judge Michael R. Merz filed Report and Recommendations, (Doc. 47), suggesting that the Court deny Defendant's Motion to Vacate, but grant him a certificate of appealability permitting him to proceed on appeal *in forma pauperis*. (Id.) Jefferson filed Objection to the Magistrate's Report and Recommendations, (Doc. 48), prompting the Magistrate Judge to file a Supplemental Report and Recommendation. (Doc. 50). Jefferson then filed another Objection to the Magistrate's Report and Recommendations, (Doc. 51), prompting the Magistrate Judge to file Second Supplemental Report and Recommendation. (Doc.

53). Jefferson has met this with another Objection to Report and Recommendations. (Doc. 53).

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case, taking into consideration Defendant's objections. Upon said review, the Court finds that Plaintiff's objections, (Docs. 48, 51, 53), to Report and Recommendations, (Doc. 47), Supplemental Report and Recommendation. (Doc. 50) and Second Supplemental Report and Recommendation. (Doc. 53), are not well taken and they are hereby **OVERRULED**. Wherefore, the Court **ADOPTS IN FULL** the Magistrate Judge's Second Supplemental Report and Recommendations. (Doc. 53). Motion to Vacate under 28 U.S.C. § 2255. (Doc. 46) is hereby **DENIED**. Because the resolution of Jefferson's motion would be debatable among reasonable jurists, Jefferson is **GRANTED A CERTIFICATE OF APPEALABILITY**.

DONE and **ORDERED** this Tuesday, December 6, 2016.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE